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EXAMINER

JACOBS, LASHONDA T

ART UNIT PAPER NUMBER

2157

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14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/538,624

Applicant(s)

OMOIGUI ET AL. 

Examiner

LaShonda T. Jacobs

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-40, 42-47 and 49-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-11, 13-40, 42-47 and 49-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action in response to Applicants' amendment filed on January 26, 2004. Claims 1-11, 13-40 and 42-47 are presented for further examination. Claims 12, 41 and 48 have been canceled. Claims 27, 31 and 32 have been amended. Claims 49-57 are newly added by Applicants' are also presented for examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-11, 13-40, 42-47** and **49-57** are rejected under 35 U.S.C. 103(a) as being unpatentable over in Kalra (hereinafter, "Kalra", 5,953,506) in view of Katseff et al (hereinafter, "Katseff", 5, 822, 537).

As per claims **1** and **49**, Kalra discloses a method comprising:

- detecting, in a system for streaming a plurality of data streams from a server to a client, a potential overburdening of the system (col. 4, lines 6-13, lines 20-39, lines 47-59 , col. 15, lines 33-67 and col. 16, lines 1-5); and

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- selecting at least one of the plurality of data streams in response to detecting the potential overburdening of the system (col. 16, lines 37-67 and col. 17, lines 1-3).

However, Kalra does not explicitly disclose:

- altering playback of the at least one data stream to avoid overburdening the system.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- altering playback of the at least one data stream to avoid overburdening the system (col. 2, lines 45-55, col. 13, lines 61-67, col. 14, lines 1-6, col. 15, lines 20-65 and col. 16, lines 19-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of minimizing the effect of network congestion by using an adaptive control algorithm which dynamically varies the rate at which video/multimedia frames are retrieved from the respective file server over the network.

As per claim 13, Karla disclose a system comprising:

- client computer coupled to a network (col. 15, lines 2-32);
- a server computer coupled to transmit a plurality of individual data streams to the client computer via the network (col. 15, lines 2-32); and
- wherein the client computer is to detect when bandwidth from the server to the client computer that is allotted to transmitting the plurality of individual data streams would be exceeded and take action to prevent the allotted bandwidth from being exceeded (col. 15, lines 34-67, col. 16, lines 1-5 and lines 18-28).

As per claim **20**, Kalra discloses a server computer comprising:

- receive an indication that time-scale modification for a data stream that was previously performed at a client computer should now be performed at the server computer (col. 15, lines 45-67, col. 16, lines 1-5 and lines 18-61; The modifications of the streams in Kalra meets the definition of time-scale modification defined in Applicants' specification on pages 13-17); and
- transmit a time-scale modified data stream to the client computer (col. 15, lines 45-67, col. 16, lines 1-5 and lines 18-61).

However, Kalra does not explicitly disclose:

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- a bus (col. 3, lines 52-57);
- a memory system, coupled to the bus, to store a plurality of instructions (col. 3, lines 52-57); and
- a processor, coupled to the bus, to execute the plurality of instructions (col. 3, lines 52-67)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of processing data over network in timely and efficient manner by utilizing well-known CPU components in the networking art.

As per claim **24**, Kalra the invention substantially as claimed.

However, Kalra does not explicitly disclose:

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- a master control component to maintain a master timeline for a multimedia presentation col. 3, lines 47-67, col. 4, lines 55-67, col. 5, lines 1-27, col. 6, lines 60-67, and col. 7, lines 1-3); and
- a plurality of individual stream controls corresponding to individual data streams for the multimedia presentation, wherein each of the plurality of individual stream controls is to maintain a timeline for the corresponding individual data stream (col. 3, lines 42-46, and col. 4, lines 1-11 and lines 55-60, col. 5, lines 1-27, col. 6, lines 60-67, and col. 7, lines 1-3).

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- a master control component to maintain a master timeline for a multimedia presentation (col. 9, lines 16-22);
- a plurality of individual stream controls corresponding to individual data streams for the multimedia presentation, wherein each of the plurality of individual stream controls is to maintain a timeline for the corresponding individual data stream (col. 9, lines 16-22, col. 13, lines 56-67 and col. 14, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claims 29 and 52, Kalra discloses the invention substantially as claimed.

However, Kalra does not explicitly disclose:

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- receiving a user request at a client for a new playback speed of multimedia content being streamed as a plurality of individual streams to the client (col. 16, lines 54-65, and col. 17, lines 1-55); and
- modifying the playback of each stream of the multimedia content in accordance with the new playback speed (col. 16, lines 54-65, and col. 17, lines 1-55).

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- receiving a user request at a client for a new playback speed of multimedia content being streamed as a plurality of individual streams to the client (col. 13, lines 61-67 and col. 14, lines 1-6); and
- modifying the playback of each stream of the multimedia content in accordance with the new playback speed (col. 13, lines 61-67 and col. 14, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claims **35** and **50**, Kalra discloses a method comprising:

- receiving streaming text from a server (col. 4, lines 6-13, lines 20-39, lines 47-59 , col. 15, lines 33-67 and col. 16, lines 1-5).

However, Kalra does not explicitly disclose:

- receiving a user request to change a playback speed of the streaming text; and
- altering the playback speed of the streaming text in accordance with the to user request.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- receiving a user request to change a playback speed of the streaming text (col. 13, lines 61-67 and col. 14, lines 1-6); and
- altering the playback speed of the streaming text in accordance with the to user request (col. 13, lines 61-67 and col. 14, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claims 42 and 51, Kalra discloses a method comprising:

- receiving a plurality of images as streaming image data from a server (col. 4, lines 6-13, lines 20-39, lines 47-59 , col. 15, lines 33-67 and col. 16, lines 1-5).

However, Kalra does not explicitly disclose:

- receiving a user request to change a playback speed of the plurality of images (col. 3, lines 42-46, and col. 4, lines 1-11 and lines 55-60); and
- altering the playback speed of the plurality of images in accordance with the user request (col. 3, lines 42-46, and col. 4, lines 1-11 and lines 55-60).

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- receiving a user request to change a playback speed of the plurality of images (col. 13, lines 61-67 and col. 14, lines 1-6); and

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- altering the playback speed of the plurality of images in accordance with the user request (col. 13, lines 61-67 and col. 14, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claim 2, Kalra discloses:

- wherein the detecting comprises detecting a potential overburdening of the system by exceeding a server to client bandwidth devoted to the plurality of data streams (col. 4, lines 6-13, lines 20-39, lines 47-59 , col. 15, lines 33-67, col. 16, lines 1-5 and lines 38-61).

As per claim 3, Kalra discloses:

- wherein the detecting comprises detecting a potential overburdening of the system by exceeding a processing capacity of the client (col. 4, lines 6-13, lines 20-39, lines 47-59 , col. 15, lines 33-67, col. 16, lines 1-5 and lines 38-61).

As per claim 4, Kalra discloses the invention substantially as claimed.

However, Kalra does not explicitly disclose:

- wherein the altering comprises pausing the at least one data stream.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- wherein the altering comprises pausing the at least one data stream (col. 16, lines 32-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of minimizing the effect of network congestion to reduce the speed of audio playback by utilizing a well-known pitch extraction process.

As per claim 5, Kalra discloses:

- wherein the altering comprises ceasing time-scale modification of the at least one stream at the client and beginning time-scale modification of the at least one stream at the server (col. 15, lines 45-67, col. 16, lines 1-5 and lines 18-61; The modifications of the streams in Kalra meets the definition of time-scale modification defined in Applicants' specification on pages 13-17).

As per claim 6, Kalra discloses:

- wherein the altering comprises reducing a quality of the at least one stream (col. 15, lines 66-67, col. 16, lines 1-5 and lines 29-36).

As per claim 7, Kalra discloses:

- wherein the detecting comprises monitoring the system for the potential overburdening (col. 15, lines 33-67 and col. 16, lines 1-5).

However, Kalra does not explicitly disclose:

- receiving a new request for a new playback speed for the plurality of data streams.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- receiving a new request for a new playback speed for the plurality of data streams (col. 13, lines 61-67 and col. 14, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claim 8, Kalra discloses:

- detecting when excess capacity is available in the system (col. 15, lines 33-67, col. 16, lines 1-5 and col. 18, lines 10-24).

However, Kalra does not explicitly disclose:

- altering playback of at least one of the plurality of data streams.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- altering playback of at least one of the plurality of data streams.
- (col. 2, lines 45-55, col. 13, lines 61-67, col. 14, lines 1-6, col. 15, lines 20-65 and col. 16, lines 19-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of minimizing the effect of network congestion by using an adaptive control algorithm which dynamically varies the rate at which video/multimedia frames are retrieved from the respective file server over the network.

As per claim 9, Kalra discloses:

- allowing a user to modify a set of rules used in selecting the at least one of the plurality of data streams (col. 15, lines 45-67, col. 16, lines 1-5 and lines 29-36).

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As per claim 10, Kalra discloses the invention substantially as claimed.

However, Kalra does not explicitly disclose:

- allowing a user to modify a set of rules used to determine the manner in which playback of the at least one data stream is altered.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- allowing a user to modify a set of rules used to determine the manner in which playback of the at least one data stream is altered (col. 13, lines 61-67 and col. 14, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claims 11, 19, 23 and 28, Kalra discloses:

- wherein the plurality of data streams include one or more of an image stream, a text stream, and an animation stream (col. 4, lines 6-13, lines 20-39 and lines 47-59).

As per claim 14, Kalra discloses the invention substantially as claimed.

However, Kalra does not explicitly disclose:

- wherein the network comprises the Internet.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- wherein the network comprises the Internet (col. 35, lines 58-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of retrieving and transmitting data in timely and efficient manner by utilizing well-known networks.

As per claim 15, Kalra discloses:

- wherein the server is to transmit the plurality of individual data streams to the client computer as a composite media stream (col. 4, lines 6-13, lines 20-39, lines 47-59, col. 16, lines 38-67, col. 17, lines 1-3, lines 58-64).

As per claim 16, Kalra discloses:

- wherein the client computer is to prevent the allotted bandwidth from being exceeded by transferring time-scale modification responsibility from a control component at the client computer to a control component at the server computer (col. 15, lines 45-67, col. 16, lines 1-5 and lines 18-61; The modifications of the streams in Kalra meets the definition of time-scale modification defined in Applicants' specification on pages 13-17).

As per claim 17, Kalra discloses:

- wherein the client computer is to prevent the allotted bandwidth from being exceeded by communicating to the server computer to cease transmitting one of the plurality of individual data streams (col. 15, lines 45-67, col. 16, lines 1-5 and lines 18-28).

As per claim 18, Kalra discloses:

- wherein the client computer is to prevent the allotted bandwidth from being exceeded by communicating to the server computer to switch to a lower-resolution version of one of

the plurality of individual data streams (col. 15, lines 45-67, col. 16, lines 1-5 and lines 18-28).

As per claim **21**, Kalra discloses:

- wherein the processor is further to select one of a plurality of pre-stored versions of the data stream to transmit as the time-scale modified data stream (col. 15, lines 45-67, col. 16, lines 1-5 and lines 18-61; The modifications of the streams in Kalra meets the definition of time-scale modification defined in Applicants' specification on pages 13-17).

As per claim **22**, Kalra discloses:

- wherein the processor is further to generate the time-scale modified data stream by dynamically time-scale modifying an original version of the data stream (col. 15, lines 45-67, col. 16, lines 1-5, lines 18-61 and col. 18, lines 10-24; The time-scale modification of Kalra meets the definition of time-scale modification defined in Applicants' specification on pages 13-17).

As per claim **25**, Kalra discloses the invention substantially as claimed.

However, Kalra does not explicitly disclose:

- a user request for a new playback speed and communicate the new playback speed to the plurality of individual stream controls.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- a user request for a new playback speed and communicate the new playback speed to the plurality of individual stream controls(col. 13, lines 61-67 and col. 14, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claim 26, Kalra discloses the invention substantially as claimed.

However, Kalra does not explicitly disclose:

- communicating the new playback speed to the plurality of individual stream controls by sending a message to each of the plurality of individual stream controls.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- communicating the new playback speed to the plurality of individual stream controls by sending a message to each of the plurality of individual stream controls (col. 13, lines 61-67 and col. 14, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claim 27, Kalra discloses the invention substantially as claimed.

However, Kalra does not explicitly disclose:

- wherein each of the plurality of individual stream controls is to monitor the master timeline and adjust the timeline a maintained by the stream control to maintain synchronization with the master timeline.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- wherein each of the plurality of individual stream controls is to monitor the master timeline and adjust the timeline a maintained by the stream control to maintain synchronization with the master timeline (col. 9, lines 16-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claims **30** and **53**, Kalra discloses the invention substantially as claimed.

However, Kalra does not explicitly disclose:

- wherein the computer program further causes the one or more processors to perform functions including sending a message to each of a plurality of individual stream controls, the message indicating the new playback speed.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- wherein the computer program further causes the one or more processors to perform functions including sending a message to each of a plurality of individual stream controls, the message indicating the new playback speed (col. 13, lines 24-46, lines 56-67 and col. 14, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the

purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claims **31** and **54**, Kalra discloses the invention substantially as claimed.

However, Kalra does not explicitly disclose:

- wherein the function of sending a message comprises a function of sending the message to an individual stream control located at a server streaming the individual stream of the multimedia content (col. 5, lines 38-64, col. 16, lines 54-65, and col. 17, lines 1-55).

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- wherein the function of sending a message comprises a function of sending the message to an individual stream control located at a server streaming the individual stream of the multimedia content (col. 13, lines 24-46, lines 56-67 and col. 14, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claims **32** and **55**, Kalra discloses:

- wherein the computer program further causes the one or more processors to perform functions including each of a plurality of individual stream controls corresponding to the plurality of individual streams monitoring a master clock and adjusting a local clock to keep synchronized with the master clock (col. 4, lines 44-46).

As per claims **33** and **56**, Kalra discloses the invention substantially as claimed.

However, Kalra does not explicitly disclose:

- wherein the computer program further causes the one or more processors to perform functions including performing, by an independent stream control located at the client and corresponding to one of the plurality of individual streams, time scale modification of the one stream in accordance with the new playback speed (col. 5, lines 38-64, col. 16, lines 54-65, and col. 24, lines 1-55).

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- wherein the computer program further causes the one or more processors to perform functions including performing, by an independent stream control located at the client and corresponding to one of the plurality of individual streams, time scale modification of the one stream in accordance with the new playback speed (col. 13, lines 24-46, lines 56-67 and col. 14, lines 1-6; The modification of audio and video streams of Katseff meets the definition of the time-scale modifications defined by Applicants' specification on pages 13-17.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claims **34** and **57**, Kalra discloses:

- wherein the multimedia content includes one or more of an image stream, a text stream, and an animation stream ((col. 4, lines 6-13, lines 20-39 and lines 47-59)).

As per claim 36, Kalra discloses:

- detecting a potential overburdening of a system receiving the streaming text (col. 4, lines 6-13, lines 20-39, lines 47-59 , col. 15, lines 33-67 and col. 16, lines 1-5).

However, Kalra does not explicitly disclose:

- altering playback of the streaming text to avoid overburdening the system.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- altering playback of the streaming text to avoid overburdening the system (col. 2, lines 45-55, col. 13, lines 61-67, col. 14, lines 1-6, col. 15, lines 20-65 and col. 16, lines 19-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of minimizing the effect of network congestion by using an adaptive control algorithm which dynamically varies the rate at which video/multimedia frames are retrieved from the respective file server over the network.

As per claim 37, Kalra discloses the invention substantially as claimed.

However, Kalra does not explicitly disclose:

- wherein the receiving the user request comprises receiving a user request to increase the playback speed of the streaming text.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

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- wherein the receiving the user request comprises receiving a user request to increase the playback speed of the streaming text (col. 13, lines 25-67, and col. 14, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claim 38, Kalra discloses the invention substantially as claimed.

However, Kalra does not explicitly disclose:

- wherein the receiving the user request comprises receiving a user request to decrease the playback speed of the streaming text.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- wherein the receiving the user request comprises receiving a user request to decrease the playback speed of the streaming text (col. 13, lines 25-67, and col. 14, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of controlling video playback in which a user can manipulate and control the playback speed of the of the presentation.

As per claim 43, Kalra discloses:

- detecting a potential overburdening of a system receiving the streaming image data (col. 4, lines 6-13, lines 20-39, lines 47-59 , col. 15, lines 33-67 and col. 16, lines 1-5).

However, Kalra does not explicitly disclose:

- altering playback of the streaming image data to avoid overburdening the system.

Katseff discloses a networked multimedia information system to store and distribute multimedia objects over a network to a plurality of workstations including:

- altering playback of the streaming image data to avoid overburdening the system (col. 2, lines 45-55, col. 13, lines 61-67, col. 14, lines 1-6, col. 15, lines 20-65 and col. 16, lines 19-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to have incorporated the teachings of Katseff with the method of Kalra for the purpose of minimizing the effect of network congestion by using an adaptive control algorithm which dynamically varies the rate at which video/multimedia frames are retrieved from the respective file server over the network.

As per claims **39** and **44**, Kalra discloses:

- wherein the altering comprises performing linear time-scale modification in accordance with the user request (col. 15, lines 45-67, col. 16, lines 1-5, lines 18-61 and col. 18, lines 10-24; The modifications of the streams in Kalra meets the definition of time-scale modification defined in Applicants' specification on pages 13-17).

As per claims **40** and **45**, Kalra discloses:

- wherein the altering comprises performing non-linear time-scale modification in accordance with the user request (col. 15, lines 45-67, col. 16, lines 1-5, lines 18-61 and col. 18, lines 10-24; The modifications of the streams in Kalra meets the definition of time-scale modification defined in Applicants' specification on pages 13-17).

As per claim **46**, Kalra discloses:

- receiving each of the plurality of images as a plurality of layers (col. 18, lines 10-59);
and
- wherein the altering comprises, for each of the plurality of images, reducing the number of the plurality of layers that are used to render the image (col. 18, lines 10-59).

As per claim 47, Kalra discloses the invention substantially as claimed.

- receiving timeline data corresponding to the plurality of images, the timeline data indicating when the plurality of images are to be rendered (col. 18, lines 10-59).

Response to Arguments

3. Applicant's arguments with respect to claims 1-11, 13-40, 42-47 and 49-57 have been considered but are moot in view of the new ground(s) of rejection.

The Office notes the following arguments:

a. The cited portions (e.g., col. 5, lines 38-64; col. 6, lines 30-45; col. 16, lines 54-65; col. 17, lines 1-55 and col. 24, lines 1-55) of Porter do not disclose or describe transmission of multiple data streams representing multimedia content to a client and thus do not and cannot disclose or describe receiving “ a user request at a client for a new playback speed of multimedia content being stream as a plurality of individual streams to the client “ or modifying the playback of each stream of the multimedia content in accordance with the new playback speed”, as recited in claim 29.

b. Porter is silent with respect to transmission of plurality of individual streams to a client, Porter cannot possibly disclose that “the computer program further causes the one or more processors to

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perform functions including sending a message to each of a plurality of individual stream controls, the message indicating the new playback speed” as recited in claim 30.

c. Porter also does not teach or disclose that “the function of sending a message comprises a function of sending the message to an individual stream control located at a server streaming the individual stream of the multimedia content” as recited in claim 31.

d. Porter additionally does not teach or disclose that “the computer program further causes the one or more processors to perform functions including each of a plurality of individual stream controls corresponding to the plurality of individual streams monitoring a master clock and adjusting a local clock to keep synchronized with the master clock” as recited in claim 32.

e. Porter further does not teach or disclose that “the computer program further causes the one or more processors to perform functions including performing, by an independent stream control located at the client and corresponding to one of the plurality of individual streams, time-scale modification of the one stream in accordance with the new playback speed”, recited in claim 33.

f. Porter further does not teach modification of “the one stream” of “a plurality of streams” because does not teach transmission of a plurality of streams to a client.

g. Porter is silent with respect to animation streams.

h. The cited portions of Porter are silent with respect to detecting potential system overburdening.

i. Examiner’s contentions within the cited references, the only possible motivation for these connections is hindsight reconstruction wherein the Examiner is utilizing Applicant’s own disclosure to construct a reason for combining an/or modifying the teachings of the cited

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references. The Examiner is reminded that hindsight reconstruction is not an appropriate basis for a § 103 rejection.

j. Independent claims 13, 20, 24, 35 and 42 are not taught, disclosed, suggested or motivated by the cited references, alone or in combination.

k. No portion of Katseff has been identified in the Office Action that even suggests determination of bandwidth issues by the client.

l. Katseff fails to describe “ a plurality of individual streams controls corresponding to individual data streams for the multimedia presentation, wherein each of the plurality of individual stream controls is t maintain a timeline for the corresponding individual data stream”, as recited in claim 24.

In response to:

(a)-(h) and (j)-(l), Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

(i) Applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

LaShonda T. Jacobs
Examiner
Art Unit 2157

ltj
April 5, 2004


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
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